

**REMARKS**

**Summary of the Office Action**

The Examiner acknowledges the election of Group 1 claims 1-13 and 20-30.

The drawings are objected to under 37 CFR 1.83(a) for failing to show every features of the invention specified in the claims.

Claim 22 is objected to because of informalities.

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1, 6, 9, 20, 26 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,175,186 to Matsuura et al.

Claims 1, 5, 10, 20, 25 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0180371 A1 to Yamazaki et al.

Claims 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Abstract 2001-076886 to Ogawa.

Claims 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,804,917 to Takahashi et al.

Claims 1-3, 20, 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,559,594 to Fukunaga et al. in view of Matsuura et al.

Claims 4 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuura et al. in view of U.S. Patent No. 6,740,190 to Takase et al.

Claims 7 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuura et al. in view of U.S. Patent Application Publication 2003/0190763 A1 to Cok et al.

Claims 7 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuura et al. in view of U.S. Patent Application Publication 2003/0190763 A1 to Cok et al.

The Examiner is thanked for indicating that claims 8 and 28 contain allowable subject matter.

### **Summary of the Response to the Office Action**

Applicants submit concurrently herewith a Submission of Replacement Drawing Sheets including six (6) replacement sheets of drawings including new drawing FIG. 3A'. Applicants have amended the specification to support new drawing FIG. 3A'.

Applicants have canceled claims 7, 22 and 27 without prejudice or disclaimer. Also, Applicants have amended claims 1, 11 and 20 to differently define the invention and to improve their form.

Accordingly, claims 1-6, 8-13, 20-21, 23-26, and 28-30 remain pending for further consideration with claims 14-19 being withdrawn from consideration.

### **Objection to the Drawings**

The drawings are objected to under 37 CFR 1.83(a) for allegedly failing to show every feature of the invention specified in the claims.

Concurrently filed herewith are six (6) sheets of replacement drawings including new drawing FIG. 3A'. Applicants respectfully assert that new drawing FIG. 3A' is being submitted in

matter, and is supported by originally-filed claims 2, 3, and 9, as well as the specification at amended paragraph [0030].

Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

**Objection to Claim 22**

Claim 22 is objected to because of minor informalities. Applicants have canceled claim 22 by adopting the Examiner's suggestions. Thus, Applicants respectfully submit that the objection to claim 22 has been rendered moot.

**Rejection of Claim 8 under 35 U.S.C. § 112, second paragraph**

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, "the desiccant film" in claim 8 lacks antecedent basis.

Applicants have amended claim 1, upon which claim 8 is dependent, so that newly-amended claim 1 includes antecedent basis for "the desiccant film" in claim 8. Thus, Applicants respectfully submit that claim 8 now fully complies with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejection of claim 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections under 35 U.S.C. § 102**

Claims 1, 6, 9, 20, 26 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsuura et al., claims 1, 5, 10, 20, 25 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yamazaki et al., claims 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ogawa, and claims 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi et al. To the extent that these rejections might be applied against the claims as newly-amended, they are respectfully traversed for at least the following reasons.

**Rejection based on Matsuura et al.**

With regard to independent claim 1, as newly-amended, Applicants respectfully submit that Matsuura et al. neither teaches nor suggests a claimed combination including at least a feature of “a plurality of cell gap maintaining structures located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of desiccant films.”

The Office Action suggests step portions 9 of Matsuura et al. are the claimed “cell gap maintaining structure” and further alleges that Matsuura et al. discloses all of the features of claim 1. Applicants respectfully disagree that Matsuura et al. discloses all of features of newly-amended claim 1. In contrast to the present invention of newly-amended claim 1, Matsuura et al. merely discloses that the step portions 9 are located between a substrate 2 and a sealing lid 7, as shown in FIG. 1 of Matsuura et al. for example, but neither teaches nor suggests that the step portions 9 may be alternately arranged with a plurality of desiccant films. In fact, Matsuura et al. even fails to disclose a plurality of desiccant films. In other words, Applicants respectfully

submit that Matsuura et al. fails to disclose a claimed combination including at least the feature of “a plurality of cell gap maintaining structures ... arranged alternately with the plurality of desiccant films,” as recited in newly-amended independent claim 1.

For similar reasons, Applicants respectfully submit that Matsuura et al. neither teaches nor suggests a claimed combination including at least a feature of “means for maintaining a cell gap located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of recesses,” as recited in newly-amended independent claim 20.

Rejection based on Yamazaki et al.

With regard to independent claim 1, as newly-amended, Applicants respectfully submit that Yamazaki et al. neither teaches nor suggests a claimed combination including at least a feature of “a plurality of cell gap maintaining structures located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of desiccant films.”

The Office Action suggests a convex-shaped third insulating film 134 of Yamazaki et al. is the claimed “cell gap maintaining structure,” and alleges that Yamazaki et al. discloses all of the features of claim 1. Applicants respectfully disagree that Yamazaki et al. discloses all of features of newly-amended claim 1. In contrast to the present invention of newly-amended claim 1, Yamazaki et al. merely discloses that the third insulating film 134 is located between a second substrate 101 and a first/second insulating layer 107/108, but neither teaches nor suggests that the third insulating film 134 may be alternately arranged with a plurality of desiccant films. In

fact, Yamazaki et al. even fails to disclose a plurality of desiccant films. In other words, Applicants respectfully submit that Yamazaki et al. fails to disclose a claimed combination including at least the feature of “a plurality of cell gap maintaining structures ... arranged alternately with the plurality of desiccant films,” as recited in newly-amended independent claim 1.

For similar reasons, Applicants respectfully submit that Yamazaki et al. neither teaches nor suggests a claimed combination including at least a feature of “means for maintaining a cell gap located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of recesses,” as recited in newly-amended independent claim 20.

Rejection based on Ogawa

With regard to independent claim 11, as newly-amended, Applicants respectfully submit that Ogawa neither teaches nor suggests a claimed combination including at least a feature of “a plurality of cell gap maintaining structures located between the organic light emitting substrate and the encapsulating substrate, and arranged alternately with the plurality of recesses.”

The Office Action suggests a spacer 14 of Ogawa is the claimed “cell gap maintaining structure,” and alleges that Ogawa discloses all of the features of claim 11. Applicants respectfully disagree that Ogawa discloses all of features of newly-amended claim 11. In contrast to the present invention of newly-amended claim 11, Ogawa merely discloses that the spacer 14 is located between a substrate 2 and a polyester film 11a, but neither teaches nor suggests that the spacer 14 may be alternately arranged with a plurality of recesses. In fact,

Ogawa even fails to disclose a plurality of recesses. In other words, Applicants respectfully submit that Ogawa fails to disclose a claimed combination including at least the feature of “a plurality of cell gap maintaining structures ... arranged alternately with the plurality of recesses,” as recited in newly-amended independent claim 11.

Rejection based on Takahashi et al.

With regard to independent claim 11, as newly-amended, Applicants respectfully submit that Takahashi et al. neither teaches nor suggests a claimed combination including at least a feature of “a plurality of cell gap maintaining structures located between the organic light emitting substrate and the encapsulating substrate, and arranged alternately with the plurality of recesses.”

The Office Action suggests a plurality of ribs 8 of Takahashi et al. is the claimed “cell gap maintaining structure,” and alleges that Takahashi et al. discloses all of the features of claim 11. Applicants respectfully disagree that Takahashi et al. discloses all of features of newly-amended claim 11. In contrast to the present invention of newly-amended claim 11, Takahashi et al. merely discloses that the plurality of ribs 8 are located between an upper substrate 1 and a lower substrate 3, but neither teaches nor suggests that the plurality of ribs 8 may be alternately arranged with a plurality of recesses. In fact, Takahashi et al. even fails to disclose a plurality of recesses. In other words, Applicants respectfully submit that Takahashi et al. fails to disclose a claimed combination including at least the feature of “a plurality of cell gap maintaining structures ... arranged alternately with the plurality of recesses,” as recited in newly-amended independent claim 11.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-3, 20, 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukunaga et al. in view of Matsuura et al., claims 4 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuura et al. in view of Takase et al., and claims 7 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuura et al. in view of Cok et al. To the extent that these rejections might be applied against the claims as newly-amended, they are respectfully traversed for at least the following reasons.

With regard to independent claim 1, as newly-amended, Applicants respectfully submit that Fukunaga et al. and Matsuura et al., whether taken separately or in combination, do not teaches nor suggests a claimed combination including at least a feature of “a plurality of cell gap maintaining structures located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of desiccant films.”

The Office Action alleges that a combination of Fukunaga et al. and Matsuura et al. discloses all of the features of claim 1. Applicants respectfully disagree that the combination of Fukunaga et al. and Matsuura et al. discloses all of features of newly-amended claim 1. In contrast to the present invention of newly-amended claim 1, Fukunaga et al. merely discloses that spacers 215 are located between two substrates 201 and 214 as shown in FIG. 2A of Fukunaga et al. for example. Fukunaga et al. and Matsuura et al., whether taken separately or in combination, do not teach or suggest that the spacers 215 may be alternately arranged with a plurality of desiccant films. In fact, Fukunaga et al. fails to disclose a plurality of desiccant



films. Further, the Office Action concedes, at third paragraph of page 14, that Matsuura et al. “fails to teach a plurality of desiccant films formed on the second substrate,” and therefore, Applicants respectfully assert that Matsuura et al. cannot remedy the deficiencies of Fukunaga et al. Moreover, Applicants respectfully assert that Takase et al. and Cok et al. also fail to remedy the deficiencies of Fukunaga et al. and Matsuura et al. For example, the Office Action alleges that Cok et al. teaches desiccant seal material 40, as shown in FIG. 8 of Cok et al., and continues to allege, at paragraph 4 of page 14, that “it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use incorporation of such a plurality of desiccant films formed on the second substrate in the display of Matsuura.” Nonetheless, Applicants respectfully assert that Cok et al. neither teaches nor suggests that the desiccant seal material 40 is arranged or may be modified to be arranged alternately with a cell gap maintaining structures. In other words, Applicants respectfully submit that Fukunaga et al., Matsuura et al., Takase et al., and Cok et al., whether taken separately or in combination, do not teach or suggest a claimed combination including at least the feature of “a plurality of cell gap maintaining structures ... arranged alternately with the plurality of desiccant films,” as recited in newly-amended independent claim 1.

For similar reasons, Applicants respectfully submit that Fukunaga et al., Matsuura et al., Takase et al., and Cok et al., whether taken separately or in combination, do not teach or suggest a claimed combination including at least a feature of “means for maintaining a cell gap located between the first substrate and the second substrate within the seal pattern and arranged alternately with the plurality of recesses,” as recited in newly-amended independent claim 20.

# # # # #

As instructed by out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Applicants respectfully assert that the rejections of independent claims 1, 11 and 20 under 35 U.S.C. § 102(b) and (e) should be withdrawn because none of the applied references teaches or suggests each feature of amended independent claims 1, 11 and 20. Further, as pointed by MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Thus, Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness and that the rejections of independent claims 1 and 20 under 35 U.S.C. § 103(a) are improper and should be withdrawn because all of the applied references, whether taken singly or combined, fail to teach or suggest each feature of independent claims 1 and 20, as newly-amended. Furthermore, Applicants respectfully assert that the rejections of dependent claims 2, 4-6, 8-10, 12-13, 21, 23-26 and 28-30 should also be withdrawn at least because of their respective dependencies upon newly-amended independent claims 1, 11 and 20 and for the reasons set forth above.

Since Applicants have canceled claims 7, 22 and 27 without prejudice or disclaimer, the rejection of claims 7 and 27 and objection to claim 22 have rendered moot.

With no other rejection pending, Applicants respectfully submit that claims 1-6, 8-13, 20-

21, 23-26 and 28-30 are in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_



David B. Hardy  
Reg. No. 47,362

Dated: February 22, 2005

Customer No.: 009629  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202-739-7000  
Facsimile: 202-739-3001

**IN THE DRAWINGS:**

Concurrently filed herewith are six (6) sheets of replacement drawings including new drawing FIG. 3A'. Applicants respectfully assert that new drawing FIG. 3A' is being submitted in response to the requirement under 37 C.F.R. § 1.83(a) set forth in the Office Action dated November 19, 2004. Applicants respectfully assert that new drawing FIG. 3A' does not add new matter, and is supported by originally-filed claims 2, 3, and 9, as well as the specification at amended paragraph [0030].